

MARQUIS AURBACH

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 **Marquis Aurbach**
Craig R. Anderson, Esq.
2 Nevada Bar No. 6882
10001 Park Run Drive
3 Las Vegas, Nevada 89145
Telephone: (702) 382-0711
4 Facsimile: (702) 382-5816
canderson@maclaw.com
5 Attorneys for Defendant Det. Christopher Tucker

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 BRIAN BALLENTINE, an individual;
CATALINO DAZO, an individual; KELLY
9 PATTERSON, an individual; and GAIL
SACCO, an individual,

10 Plaintiffs,

11 vs.

12 LAS VEGAS METROPOLITAN POLICE
13 DEPARTMENT, in its official capacity;
DETECTIVE CHRISTOPHER T. TUCKER,
14 as an individual and in his official capacity as
a Las Vegas Metropolitan Police Department
15 Detective; SERGEANT MIKE WALLACE,
as an individual and in his official capacity as
16 a Las Vegas Metropolitan Police Department
Sergeant; and LIEUTENANT JOHN
17 LIBERTY, as an individual and in his official
capacity as a Las Vegas Metropolitan Police
18 Department Lieutenant,

19 Defendants.

Case Number:
2:14-cv-01584-APG-EJY

**STIPULATION AND ORDER TO
CONTINUE TRIAL**

(Fourth Request)

Date of Trial: 12/16/24
Time of Trial: 9:00 a.m.

20 IT IS HEREBY STIPULATED AND AGREED by and between Defendant Det.
21 Christopher Tucker ("Tucker"), by and through his attorney of record, Craig R. Anderson,
22 Esq. of Marquis Aurbach, and Plaintiffs Brian Ballentine, Catalino Dazo, and Kelly Patterson
23 ("Plaintiffs"), by and through their counsel of record, Margaret McLetchie, Esq. of McLetchie
24 Law, that the trial currently scheduled to begin on December 16, 2024 (ECF No. 292) be
25 continued to the Court's March 2025 stack or a date thereafter convenient for the Court.
26

27 This Stipulation is entered into for the following reasons:
28

MARQUIS AURBACH

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 1. Defense Counsel has just received confirmation Judge Boulware has set a hard
2 trial date of December 2, 2024, in the case of *Lobato v. LVMPD, et. al*, 2:19-cv-01273-RFB-
3 EJY.

4 2. The *Lobato* case involves a wrongful conviction lawsuit with the underlying
5 event occurring in July 2001. The case involves out-of-state counsel and numerous out-of-
6 state witnesses. Therefore, Judge Boulware has placed the case first on his December 2, 2024
7 stack.

8 3. Plaintiff's counsel in *Lobato* has estimated this trial lasting 10-14 business
9 days.

10 4. In addition, to conflicting with the December 16, 2024 trial date in this case,
11 the *Lobato* trial will require significant preparation time during November 2024 and will not
12 allow adequate time to adequately prepare for this case.

13 5. The undersigned has met and conferred with Plaintiffs' counsel who has
14 graciously agreed to the requested continuance.

15 6. All counsel are available in March 2025.

16 Dated this 4th day of November, 2024

Dated this 4th day of November, 2024

17 MARQUIS AURBACH

MCLETCHIE LAW

18 Bv: s/Craig R. Anderson

Bv: s/Margaret A. McLetchie

19 Craig R. Anderson, Esq.
20 Nevada Bar No. 6882
21 10001 Park Run Drive
22 Las Vegas, Nevada 89145
23 Attorney for Defendant
24
25
26
27
28


Margaret A. McLetchie, Esq.
Nevada Bar No. 10931
602 S. Tenth Street
Las Vegas, Nevada 89101
Attorney for Plaintiffs

ORDER

IT IS SO ORDERED that the trial scheduling conference scheduled for November 26, 2024, is vacated and continued to March 4, 2025 at 9:00 a.m.. The calendar call scheduled for December 10, 2024, is vacated and continued to March 18, 2025 at 9:00 a.m.. The trial currently scheduled for December 16, 2024, is vacated and continued to March 24, 2025 at 9:00 a.m. All in Courtroom 6C.

IT IS SO ORDERED.

Dated: November 5, 2024



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

MARQUIS AURBACH

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816